

STEPHANIE M. HINDS (CABN 154284)

United States Attorney

MICHELLE LO (NYRN 4325163)

Chief, Civil Division

VIVIAN F. WANG (CABN 277577)

Assistant United States Attorney

450 Golden Gate Avenue, Box 36055

San Francisco, California 94102-3495

Telephone: (415) 436-7431

Fax: (415) 436-6548

Email: Vivian.Wang@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAHNAM DAVANI,

Defendant,

PLASTIKON INDUSTRIES, INC. and

GOLDMAN SACHS & CO. LLC,

Garnishees.

CASE NO. CR 04-224-001 JSW

WRIT OF CONTINUING GARNISHMENT

(WAGE GARNISHMENT)

TO: Goldman Sachs & Co. LLC

c/o C T Corporation System

28 Liberty St.

New York, NY 10005

**YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE
UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE
DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.
THIS INCLUDES PROPERTY HELD IN THE NAME OF HIS SPOUSE.**

Writ of Continuing Garnishment

Case No: CR 04-224-001 JSW

FILED

Jan 20 2023

Mark B. Busby

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND

The name, last known address and last four digits of the social security number of the person who is the defendant-judgment debtor (“defendant”) in this action and whose property is subject to this Writ are as follows:

Shahnam Davani
127 Red Hill Circle
Tiburon, CA 94920
Social Security Number (last four digits): XXX-XX-7791

The name, last known address and last four digits of the social security number of the person who is the spouse of the defendant in this action and whose property is also subject to this Writ are as follows:

Bernadette Gomez
127 Red Hill Circle
Tiburon, CA 94920
Social Security Number (last four digits): XXX-XX-5142

California is a community property state. Pursuant to California Family Code §§ 760, 910, *inter alia*, both spouses are liable for a debt incurred by either spouse before or during marriage. Accordingly, Bernadette Gomez is also liable for payment of the judgment imposed upon her spouse, Shahnam Davani.

This Writ has been issued at the request of the United States of America to enforce the collection of a criminal judgment entered in favor of the United States against the defendant for a debt in the original amount of \$295,600.00. There current balance is approximately \$513,914.95. The United States is entitled to recover a surcharge of ten percent (10%) of the amount of the balance (\$51,391.49) pursuant to 28 U.S.C. § 3011(a). Thus, the total amount sought by this action is \$565,306.44.

The following are the steps that you must take to comply with this Writ. If you have any questions, you should consult with your attorney.

1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession any property of the defendant’s spouse (including nonexempt disposable earnings from her wages, salary, commissions or bonuses) in which the defendant’s spouse has a substantial nonexempt interest, or if you obtain custody, control, or possession of such property while this Writ is in effect, you must immediately withhold such property from the defendant’s spouse and retain it in your possession until

you receive instructions from the Court which will tell you what to do with the property. With respect to the defendant's spouse's wages, salary, commissions or bonuses; you must withhold twenty-five percent (25%) of such amount(s) after all deductions required by law have been withheld. See 28 U.S.C. §§ 3205(a) and 3002(9).

2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within **10 days** after service of this Writ upon you. You must answer the Writ even if you do not have in your custody, control, or possession, any property of the defendant's spouse. Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following information:

- a. Whether or not you have in your custody, control, or possession, any property owned by the defendant's spouse in which the defendant's spouse has a substantial nonexempt interest, including nonexempt disposable earnings;
- b. a description of such property and the value of such property;
- c. a description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and
- d. the amount of the debt you anticipate owing to the defendant's spouse in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and (c)(4), within ten (10) days after service of this Writ upon you, you must **mail or deliver** the original answer bearing the original signature of the person preparing the answer to the Court at the following address:

Ronald V. Dellums Federal Building
& United States Courthouse
Attn: Clerk of Court
1301 Clay Street
Oakland, CA 94612

At the same time you mail or deliver the original answer to the Court, you must also **mail or deliver** a copy of the original answer to the defendant and his attorney, defendant's spouse and her attorney, and the attorney for the United States at the following respective addresses:

Shahnam Davani
127 Red Hill Circle
Tiburon, CA 94920

Attorney for Shahnam Davani
Christopher Cannon, Esq.
Sugarman & Cannon
737 Tehama Street, Unit 3
San Francisco, California 94103

Bernadette Gomez
127 Red Hill Circle
Tiburon, CA 94920

Attorney for Bernadette Gomez
Edward Swanson, Esq.
Swanson & McNamara LLP
300 Montgomery St., Suite 1100
San Francisco, CA 94104

Vivian F. Wang
Assistant U.S. Attorney
450 Golden Gate Avenue, 9th Floor
P.O. Box 36055
San Francisco, CA 94102

Please note that the attached form answer contains a **certificate of service** which needs to be completed by the person mailing the copies of the answer to the defendant's spouse and the attorney for the United States, and which needs to be filed with the Court along with the answer.

IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT

1 **WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S**
2 **NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE**
3 **EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO**
4 **THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN**
5 **THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION**
6 **REQUIRING YOU TO APPEAR.**



7
8 MARK B. BUSBY,
9 Clerk of Court
10 United States District Court
11 for the Northern District of California

A handwritten signature in black ink, appearing to read "Jessie Mosley".

12 Dated: January 20, 2023

By: _____

Jessie Mosley
Deputy Clerk